

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of February, 2003, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Garber gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Mayor Hutcherson announced that the City has received a bid from ORIX Capital Markets, Inc., to manage and operate the off-street parking facility known as the Municipal Parking Facility which is located in the 500 block of Main Street and adjacent to the Holiday Inn Select Hotel for the period of February 12, 2003, through February 11, 2033. Mayor Hutcherson then inquired if there were any other bids to be presented? No further bids were received.

// Copies of the minutes of the January 28 (two meetings), 2003 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of CATV, City Council Report #2 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-114, as presented, requesting that Virginia's State Senators support all efforts by the Senate Commerce Committee, and any other efforts undertaken by Congress, to evaluate and improve the effectiveness of federal regulation in ensuring competitive and affordable prices for cable television service:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #3 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-115, as presented, authorizing the City Manager to execute a contract with Ocean Surveys, Inc., to provide a hydrographic survey and safe yield analysis of the Pedlar Reservoir:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Water, City Council Report #4 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-116, as presented, authorizing the City Manager to execute a contract with Hayes Seay Mattern & Mattern, Inc., to provide consulting services for the Abert Water Treatment Plant Filter Rehabilitation project:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

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// In the matter of Public Works - General, City Council Report #5 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-117, as presented, to accept the low bid of \$533,592 from D. W. Lyle for the replacement of Campbell Avenue Bridge over Fishing Creek, and approving \$235,359 for Railroad Flagman, Railroad Insurance, Consultant Inspection and Materials Testing, and authorizing the City Manager to execute the appropriate documents for this work:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #6 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-118, as presented, accepting the low bid of \$330,618 from Process Piping and Welding, Inc., for the Community Market Cooking Ventilation and Heating System, and authorizing the City Manager to sign the contract for this work:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #7 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-119, as presented, accepting the low bid of \$73,080 from Roadmark Corporation for the Highway Safety Project – Expressway Pavement Markers, and authorizing the City Manager to sign a contract for this work:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Sewer, City Council Report #8 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-120, as presented, authorizing the City Manager to execute a contract with SONEX of Kennewick, WA, in the amount of \$100,098, to provide internal inspection services for the James River Interceptor Sewer:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #9 regarding appropriating \$3,000 to Citizens for a Clean Lynchburg, Inc., for the continuation and expansion of litter control and recycling activities was considered. Council Member Seiffert stated that City Council recently decided that all funds collected as a result of the recycling program would be included in the Solid Waste Fund to support all activities associated with the Solid Waste Program. City Manager Kimball Payne explained that these monies were collected prior to City Council's action, and that all future funds would be included in the Solid

Waste Fund. In response to questioning, City Manager Payne explained that the appropriate time to eliminate the Recycling Special Revenue Fund and combine it with the Solid Waste Fund would be during

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the budget process. On motion of Vice Mayor Dodson, seconded by Council Member Adams, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-121, as presented, appropriating \$3,000 to Citizens for a Clean Lynchburg, Inc., for the continuation and expansion of litter control and recycling activities:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Noes: Seiffert 1

// In the matter of Public Works - General, City Council Report #10 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-122, as presented, appropriating \$9,819, fully reimbursable, for ongoing litter control and recycling activities for FY 2003:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Refuse, City Council Report #11 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-123, as presented, appropriating \$23,415 for the refuse collection and recycling gainsharing contracts, and appropriating \$10,035 for employee compensation earned during FY 2002:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Library - General, City Council Report #12 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-124, as presented, appropriating \$2,500, fully reimbursable, to support the Lynchburg Public Library's reading program, "Lynchburg Reads THE COLOR OF WATER":

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, City Council Report #13 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-125, as presented, appropriating \$10,000, fully reimbursable, for the Police Department to participate in a highway safety grant program:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire - General, City Council Report #14 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-126, as presented, appropriating \$21,504, with \$10,752 reimbursement, to purchase six (6) Zoll fully automatic defibrillators:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

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// In the matter of Fire - General, City Council Report #15 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-127, as presented, appropriating \$50,000 from the PIER Fund undesignated fund balance to the FY 2003 PIER Program Operating Budget:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, a public hearing was held regarding City Council Report #16 regarding a four year lease agreement between the City and Virginia Steel to allow use of a portion of public right of way (approximately 400 square feet) in front of 713 Jefferson Street to facilitate the use of Virginia Steel's downtown business and to improve public safety. Mr. Mike Suchodolsky, representing Virginia Steel, outlined the request and asked for approval. There was no one else present who wished to speak to this item. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-128, as presented, authorizing the City Manager to enter into an agreement with Virginia Steel to install supports for an overhead crane in the right-of-way:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning – Community Development, a public hearing was held regarding City Council Report #17 regarding reallocation of \$18,494 of 1999-2000 Community Development Block Grant (CDBG) funds in the Fifth Street Economic Development project for design services, façade improvements and construction. Mr. Dabney McCain, President of the Fifth Street Community Development Corporation, outlined the request and asked for approval. There was no one else present who wished to speak to this item. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-03-129, as presented, approving the reallocation of \$18,494 of 1999-2000 Community Development Block Grant (CDBG) funds in the Fifth Street Economic Development project for design services, façade improvements and construction:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #18 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 2323 Campbell Avenue under Section 36-19.5 of the Code of Virginia. Ms. Connie Snavelly, representing LRHA, outlined the request and asked for approval. Ms. Snavelly stated that the property owner notified LRHA that she has hired a contractor and that the renovation work on the house is scheduled for completion in the Spring. Ms. Joanna Goode, the property owner, stated that she is in the military and did not receive the letter from the Housing Authority until

November. Ms. Goode went on to say that upon receipt of the letter, she hired a contractor and that work on the inside of the house has been completed. Ms. Goode further explained that painting has begun on

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the outside of the house, but because of the cold whether that it will probably be Spring before the work can be completed. Ms. Goode asked that City Council allow her time to complete the renovations. In response to Council questioning, Ms. Goode stated that she plans to sell the house once the renovations have been completed. There was no one else present who wished to speak to this item. In response to Council questioning, City Attorney Walter Erwin explained that one option would be for City Council to postpone this item for a certain length of time, thereby allowing LRHA to bring the matter back to Council at anytime if the renovations to the property were not completed in a timely matter. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote agreed to postpone this item until the first meeting in July:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of Public Works – Street Vacations, a public hearing was held regarding City Council Report #19 regarding the vacation of a portion of public right-of-way located at the southeast corner of Tradewynd Drive and Enterprise Drive, and approving the conveyance of any residual interest the City might have in this vacated right-of-way to J. E. Jamerson & Sons, Inc. Ms. Tracey Norvelle, Hurt and Proffitt, Inc., representing the petitioner, outlined the request and asked for approval. There was no one else present who wished to speak to this item. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted Ordinance #O-03-130, as presented, vacating of a portion of public right-of-way located at the southeast corner of Tradewynd Drive and Enterprise Drive, and approving the conveyance of any residual interest the City might have in this vacated right-of-way to J. E. Jamerson & Sons, Inc.:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of Public Works – Street Vacations, a public hearing was held regarding City Council Report #20 regarding the vacation of a portion of public right-of-way located on Florida Avenue and approving the conveyance of any residual interest the City might have in this vacated right-of-way to James R. Nowlin, Sr., and Carentha Nowlin. Ms. Tracey Norvelle, Hurt & Proffitt, Inc., representing the petitioners, outlined the request and asked that this item be postponed until the March 11 meeting to allow time for the petitioners to respond to the remaining right-of-way issue. There was no one else present who wished to speak to this item. On motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote agreed to continue the public hearing until the March 11 meeting:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of City Code/Community Planning - General, a public hearing was held regarding City Council Report #21 regarding adopting an Ordinance amending Section 11-288 of the City Code relating to code enforcement fees, and adopting a Resolution amending various code enforcement fees based on 016 February 11, 2003

the value of construction for each project rather than on square foot calculations, including the addition of a plan reviewer fee of 10% of the building permit fee, and introducing a Resolution appropriating \$32,465, fully reimbursable, to fund wages/benefits and office operation expenses for employment of a Plans Reviewer position through June 30, 2003. Building Commissioner Karl Cooler outlined the request. There was no one else present who wished to speak to this item. In response to Council questioning, Mr. Cooler stated that he had met with contractors regarding these increases in fees. On motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #O-03-131, as presented, amending Section 11-288 of the City Code relating to code enforcement fees, and adopted Resolution #R-03-132, as presented, amending various code enforcement fees based on the value of construction for each project rather than on square foot calculations, including the addition of a plan reviewer fee of 10% of the building permit fee, and introduced and laid over to a later meeting for final action Resolution #R-03-133, as presented, appropriating \$32,465, fully reimbursable, to fund wages/benefits and office operation expenses for employment of a Plans Reviewer position through June 30, 2003:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of City Code/Community Planning - General, a public hearing was held regarding City Council Report #22 regarding adopting an Ordinance to amend Chapter 11, Division 3, of the City Code to include rental property registration and related code enforcement fees, and introducing a Resolution appropriating \$45,520, fully reimbursable, to fund wages/benefits, vehicle and office operation expenses for employment of a Rental Housing Inspector through June 30, 2003. City Manager Kimball Payne asked that City Council postpone adoption of the ordinance until the General Assembly has acted on legislation that would not allow localities to set up a rental property registration/fee program. There was no one else present who wished to speak to this item. In response to Council questioning, City Attorney Walter Erwin stated that the way the legislation is written, localities with existing programs would not be grandfathered in. Council Member Adams suggested that City Council go ahead and adopt the program and hope that if the legislation is passed that it will be amended to allow localities with existing programs to be grandfathered in. Council Member Adams made a motion, seconded by Council Member Seiffert, to adopt the rental property registration/fee program. Vice Mayor Dodson made a substitute motion to adopt the program effective July 1 in order to avoid the costs associated with setting up the program prior to a final decision regarding the legislation. City Manager Kimball Payne assured City Council that staff would not implement the program until a final decision has been made regarding the legislation. Vice Mayor Dodson withdrew his substitute motion. The vote was called on the original motion, and Council by the following recorded vote adopted Ordinance #O-03-134, as presented, to amend Chapter 11, Division 3, of the City Code to include rental property registration and related code enforcement fees, and introduced and laid over to a later meeting Resolution #R-03-135, as presented, appropriating \$45,520, fully reimbursable, to fund wages/benefits, vehicle and office operation expenses for employment of a Rental Housing Inspector through June 30, 2003:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of Public Works - General, City Council Report #23 regarding awarding a franchise to manage and operate the off-street parking facility known as the Municipal Parking Facility, located in the 500 block of Main Street, was considered. City Manager Kimball Payne outlined the request and asked that City Council award the franchise to the only company that submitted a bid, Lynchburg Hotel, LC. On motion of Council Member Barksdale, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Ordinance #0-03-136, as presented, awarding a franchise to Lynchburg Hotel, LC, to manage and operate the off-street parking facility known as the Municipal Parking Facility which is located in the 500 block of Main Street and adjacent to the Holiday Inn Select Hotel for the period of February 12, 2003 through February 11, 2033:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of Parks & Recreation - General, City Council Report #24 regarding authorizing condemnation proceedings to acquire certain real property known as the Allen-Morrison Sign Company property at 319 Rutherford Street was considered. City Attorney Walter Erwin outlined the request and stated that a revised Resolution is being presented for Council consideration. On motion of Council Member Adams, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-03-137, as revised, authorizing condemnation proceedings to acquire certain real property known as the Allen-Morrison Sign Company property at 319 Rutherford Street:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of Public Works - Refuse, City Council Report #25 regarding changes to the City's Solid Waste Management System was considered. Solid Waste Director Dave Owen provided an overview of actions taken thus far by City Council, and stated that the proposed Resolution reflects those changes. City Manager Kimball Payne explained that adoption of the Resolution would give direction to staff to move forward with the implementation of those changes, but that amendments to the City Code would need to be brought back to Council at a later date. In response to Council questioning, City Manager Payne explained that it is proposed that the changes be implemented October 2003, but that the \$5.00 fee may be deferred until January 2004. Four citizens expressed various concerns regarding the proposed changes, i.e., the \$5 fee would discourage recycling, more public input was needed before adoption of the changes, raising real estate taxes may be a more equitable way of paying for the system, a review was needed of the Waste Management Department's budget, senior citizens cannot afford the large increase, the need for more explanation and communication to the citizenry prior to implementation of the proposed changes, and an investigation regarding the use of a private contractor for trash collection services. Council Member Seiffert expressed concerns regarding the one-time as well as the recurring costs associated with the semi-automated collection system, and suggested that the City retain its current system and consider doubling the cost of the trash tag/decals fees to stop the drain on the Fund Balance.

Council Member Garber stated that comments from the public meetings did not support any large
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increases, and suggested that the City do away with the trash tag/decal system and just have everyone pay a \$5 monthly fee. Other Council Members commented that the City cannot continue to deplete the Solid Waste Fund Balance, that the proposed changes would be the most equitable way of covering the costs associated with the program, and that the \$5 fee would ensure that everyone pays for the common services. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-03-138, as presented, approving changes to the Solid Waste Management System, effective October 1, 2003:

Ayes: Adams, Barksdale, Dodson, Foster, Hutcherson

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Noes: Garber, Seiffert

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// The meeting was recessed at 9:14 P.M. to February 25, at 1:00 P.M., to conduct a work session regarding several items.

Clerk of Council